

Joseph Key  
June 01, 2017

1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

GULF MARINE FABRICATORS, LP § CIVIL ACTION NO. 2:16-cv-00430  
§  
VERSUS § IN ADMIRALTY,  
§ F.R.C.P. 9(h) AND RULE C  
THE ATP INNOVATOR, bearing §  
IMO No. 742, her tackle, §  
furniture, apparel, §  
appurtenances, etc. in rem, §  
AMERINDO SERVICES LTD., in §  
personam, and BLUE SKY §  
LANGSA LTD, in personam §

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ORAL DEPOSITION OF

JOSEPH KEY

JUNE 1, 2017

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**EXHIBIT**  
**3**

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1 ORAL DEPOSITION OF JOSEPH KEY, produced as a  
2 witness at the instance of the Plaintiff, and duly  
3 sworn, was taken in the above-styled and numbered  
4 cause on Thursday, June 1, 2017, from 1:02 p.m. to  
5 3:33 p.m., before Cassandra Lee, CSR in and for the  
6 State of Texas, recorded by machine shorthand, at the  
7 offices of REGUS BUSINESS SOLUTIONS, 10497 Town and  
8 Country Way, Suite 700, Houston, Texas, pursuant to  
9 the Federal Rules of Civil Procedure and the  
10 provisions stated on the record or attached hereto;  
11 that the deposition shall be read and signed before  
12 any notary public.

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24  
25 JOB NO. 242713

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A P P E A R A N C E S

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1 JOSEPH KEY,  
2 having been first duly sworn, testified as follows:

3 THE WITNESS: I do.

4 E X A M I N A T I O N

5 BY MR. BALDWIN:

6 Q Good afternoon, Mr. Key. Can you please  
7 state your full name for the record, please?

8 A Joseph Michael Key.

9 Q Mr. Key, what is your current address?

10 A 5112 Martinique, M-A-R-T-I-N-I-Q-U-E, Calle,  
11 C-A-L-L-E, Dickinson, Texas 77539.

12 Q Mr. Key, my name is Will Baldwin, and I  
13 represent a company called Gulf Marine Fabricators in  
14 connection with a lawsuit that's been filed against  
15 the ATP Innovator itself, Amerindo Services Limited,  
16 and Blue Sky Langsa Limited. We're here today to take  
17 your deposition in connection with that lawsuit. Have  
18 you given a deposition before?

19 A I have not.

20 Q Okay. I'm sure your attorney has explained  
21 some of the ground rules to you, but let me just go  
22 over them on the record for you so that we're having  
23 an understanding before I get into the meat of things.

24 First, this is an informal Q and A  
25 session to some extent, but it's a formal process

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1           A     It -- the offshore installation manager, the  
2     barge supervisor, the ballast control operators too,  
3     the crane and rigging crew, mechanics, electricians,  
4     and some catering staff, as well as still some third  
5     party people.

6           Q     And do you have a recollection of how many  
7     people were transported on the ATP Innovator from  
8     location to Gulf Marine's facility?

9           A     I believe it was somewhere near 20, but I'm  
10    not certain of that answer.

11          Q     Okay. The 20 people that you believe that  
12    were on the ATP Innovator were transported from  
13    location to Gulf Marine's facility, correct?

14          A     Correct.

15          Q     You would agree with me that the ATP  
16    Innovator has design capabilities to actually  
17    transport people from one location to another because  
18    it, in fact, did transport on that instance correct?

19                   MR. GORMAN: Objection; form.

20          A     I would say that it has the design to  
21    accommodate people.

22          Q     (By Mr. Baldwin) And it also has the design  
23    capabilities to move people from one location to  
24    another just like it did on the tow from location in  
25    February of 2014 to Gulf Marine's facility, correct?

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1 MR. GORMAN: Objection; form.

2 A Yes.

3 Q (By Mr. Baldwin) The -- the tow that took  
4 place in February of 2014 we'll call it, were  
5 additional individuals brought on board the Innovator  
6 for the specific purpose of the tow from location to  
7 Gulf Marine's facility?

8 A Yes.

9 Q Who was brought on board specifically for  
10 the tow?

11 A There were two tow master's, people that  
12 worked for -- these people that worked for the company  
13 that was doing the towing, and then at a certain  
14 distance, the pilots had representation on board as  
15 well.

16 Q All right. So you've identified two tow  
17 masters who came on board prior to the tow commencing,  
18 yes?

19 A Just prior.

20 Q Okay. And they stayed -- those two  
21 individuals stayed on board the ATP Innovator for the  
22 duration of the tow from location to Gulf Marine's  
23 facility, correct?

24 A Correct.

25 Q And their role was what?

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1 occasion, to your knowledge?

2 A No.

3 Q Okay. Was it ever moved back to its  
4 original location after that movement of 200 yards?

5 A No.

6 Q I want to go back to the original tow from  
7 the on-site location to Gulf Marine's facility, okay?

8 A Uh-huh.

9 Q The ATP Innovator at that time was able to  
10 float, correct?

11 A Correct.

12 Q And it floated on its own without any  
13 assistance from another vessel, correct?

14 A Correct.

15 Q Are you familiar with the phrase wet tow?

16 A I am.

17 Q What does that mean to you?

18 A Wet tow to me means transportation or the  
19 moving of the facility while its floating, while it's  
20 on the water or wet.

21 Q And in this instance, when the ATP Innovator  
22 was moved from location to Gulf Marine's facility, it  
23 was a wet tow, correct?

24 A Correct.

25 Q Was it seaworthy in your opinion?



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1 MR. GORMAN: Objection; form.

2 A Yes.

3 Q (By Mr. Baldwin) Were you involved with the  
4 movement of the ATP Innovator when it was shifted or  
5 moved 200 yards at Gulf Marine's facility?

6 A Yes.

7 Q What was your involvement in that move?

8 A I served as the offshore installation  
9 manager, barge supervisor, and BCO during that.

10 Q So you yourself actually came on board the  
11 ATP Innovator for that movement, correct?

12 A Correct.

13 Q When I say that movement, I'm talking about  
14 the shifting of 200 yards. Do you follow me?

15 A Correct.

16 Q Why were you needed on board the ATP  
17 Innovator during that move?

18 A In order for the rig -- the facility to  
19 move, it had to be deballasted and raised to a point  
20 that the tugs could push it.

21 Q So to deballast means that you're taking it  
22 higher out of the water, correct?

23 A Correct.

24 Q And prior to that point, it had been  
25 ballasted down a certain amount that would have made

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1 board, correct?

2 A Correct.

3 Q When the ATP Innovator was moved from  
4 location to Gulf Marine's, the chain jacks were on  
5 board, correct?

6 A Correct.

7 Q And so during that tow from the on-site  
8 location to Gulf Marine's facility, the ATP Innovator  
9 moved equipment from one location to another, correct?

10 A And from that, you know that the ATP  
11 Innovator was and had the design capabilities to move  
12 equipment from one location to another, correct?

13 MR. GORMAN: Objection; form.

14 A Correct.

15 Q (By Mr. Baldwin) When the ATP Innovator was  
16 moved that second time in 2015, I know you can't  
17 recall the date, other than yourself, were there other  
18 crew members that came on board the ATP Innovator to  
19 assist with that movement?

20 A Yes.

21 Q Who else came on board to assist with that  
22 movement?

23 A There was a third party electrician, two  
24 roustabouts, some third party mechanics, two pilots.

25 Q So there were two pilots on board during the

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1           Q       When the ATP Innovator was sold by ATP  
2       Infrastructure Partners, are you aware one way or  
3       another whether a ship mortgage was placed on the ATP  
4       Innovator?

5           A       I wouldn't know.

6           Q       You weren't involved in that?

7           A       No.

8           Q       Were you involved at all in the financing of  
9       the purchase of the ATP Innovator?

10          A       No.

11          Q       Does Amerindo Services have a Web site  
12       currently?

13          A       Yes.

14          Q       Are you familiar with that Web site?

15          A       Yes.

16          Q       I have gone on and I have printed some  
17       printouts of the Amerindo Services Web site and I'd  
18       like to show them to and you ask if they look like the  
19       images and language that's on Amerindo Services' Web  
20       site.

21                       (Marked was Key Exhibit No. 1.)

22          A       These do look like -- these do look like the  
23       pages or copies of the pages printouts from our Web  
24       site, yes.

25                       MR. BALDWIN: Let the record reflect

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1 the witness has been shown a two-page document that  
2 we'll label as Exhibit 1.

3 Q (By Mr. Baldwin) And the two pages in front  
4 of you, sir, look like printouts of the Amerindo  
5 Services Web site, correct?

6 A Correct.

7 Q The first page of Exhibit 1 is a screen shot  
8 of a picture of a unit, correct?

9 A Yes, it is.

10 Q Is that unit in the picture in Exhibit 1 the  
11 ATP Innovator?

12 A It is.

13 Q And do you know where that picture was  
14 taken?

15 A I don't know where exactly, but it would  
16 probably be U.S. Gulf of Mexico.

17 Q Do you know when that photograph was taken?

18 A I do not. Some time after it was converted  
19 to a production facility because there's no barrack  
20 anymore.

21 Q There's no what? Excuse me.

22 A Barrack.

23 Q The language to the right of the picture is  
24 under a header MOPU. Do you see that?

25 A I do.

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1 Q What does MOPU stand for?

2 A I believe it stands for mobile offshore  
3 production unit.

4 Q And so in this -- on its Web site, the --  
5 Amerindo Services is referring to the ATP Innovator as  
6 a mobile offshore production unit, correct?

7 A Correct.

8 Q And what it says is ASI's, which is Amerindo  
9 Services, Inc.'s, mobile offshore production unit,  
10 Innovator, is currently docked in South Texas awaiting  
11 charter. Do you see that?

12 A I do.

13 Q And what Amerindo is marketing here is that  
14 the Innovator is at Gulf Marine's facility awaiting  
15 charter to go to work, correct?

16 A Correct.

17 Q All right. And if you turn to Page 2, the  
18 further details on Exhibit 1 that are on the Web site  
19 of Amerindo Services with respect to the Innovator.  
20 Do you see that?

21 A I do.

22 Q It says on the top part that -- and I'll  
23 just quote it. She is undergoing thorough inspections  
24 via a checklist of compliance requirements in  
25 preparation for deployment. Do you see that?

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1           A     Correct.

2           Q     Okay. You also say in your affidavit that  
3 Amerindo Services Limited is the owner of the ATP  
4 Innovator. Do you see that?

5           A     Correct.

6           Q     Is that a correct statement?

7           A     That's -- statement is correct to the best  
8 of my knowledge, yes.

9           Q     Okay. You go on to say that the structure  
10 was converted from a semisubmersible drilling rig to a  
11 floating offshore production facility in approximately  
12 2007 by ATP Oil & Gas Corp. Do you see that?

13          A     Yes.

14          Q     How do you know that to be the case?

15          A     Documentation on board.

16          Q     What documentation on board are you  
17 referring to?

18          A     Marine operations manual.

19          Q     Which said what?

20          A     Which described the alterations and changes  
21 to light ship displacement when it was transformed.

22          Q     When the ATP Innovator was a drilling rig,  
23 it was a semisubmersible, correct?

24          A     Correct.

25          Q     Now that it is a production unit, it's still

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1 a semisubmersible, correct?

2 A Correct.

3 Q Did the superstructure change?

4 A No.

5 Q Did the hull change?

6 A No.

7 Q Did the tanks change?

8 A Can you be more specific when you say tanks?

9 Q Did the ballast tanks change?

10 A No.

11 Q The ATP Innovator also has fuel tanks,  
12 correct?

13 A Correct.

14 Q It has mud tanks, correct?

15 A Not anymore, no.

16 Q Did it have -- when did the mud tanks come  
17 out?

18 A During transformation.

19 Q Does it have water tanks, potable water?

20 A Yes.

21 Q What other tanks does the ATP Innovator  
22 currently have?

23 A Utility water.

24 Q What is utility water used for?

25 A Washdown, things of that nature. Fresh

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1 intent to is to relocate the structure to an operating  
2 offshore oil and gas field when oil prices rebound to  
3 an appropriate level. Did I read that correctly?

4 A You did.

5 Q Which company are you referring to when you  
6 say the company's intent?

7 A I believe that would be Amerindo Services.

8 Q And in order to relocate it from one  
9 location to another, it would have to be towed,  
10 correct?

11 A Correct.

12 Q And that's either wet towed or dry towed,  
13 correct?

14 A Correct.

15 Q And we went through what has to be to happen  
16 with the wet tow, correct?

17 A Correct.

18 Q Which means there has to be a crew on board,  
19 correct?

20 A Correct.

21 Q And there would be equipment moving from  
22 Point A to Point B, correct?

23 A Correct.

24 Q And that equipment would be transported on  
25 the ATP Innovator, correct?



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1 A Correct.

2 Q And that crew will be transported on the ATP  
3 Innovator from Point A to Point B if it's a wet tow,  
4 correct?

5 A Correct.

6 Q You're talking in Paragraph 5 about the  
7 intent of the ATP Innovator?

8 A Okay.

9 Q Do you know what ATP Oil & Gas' intent with  
10 respect to the ATP Innovator was when it was operating  
11 it?

12 A Yes.

13 Q Do you know whether ATP Oil & Gas had the  
14 intent to move the ATP Innovator from field to field  
15 because they had shallow fields?

16 MR. GORMAN: Objection; form.

17 A I don't know if that was their intention. I  
18 don't believe it to be so.

19 Q (By Mr. Baldwin) What do you believe their  
20 intention to have been?

21 MR. GORMAN: Objection; form.

22 A I believe that the Innovator would have  
23 remained in Mississippi Canyon 711 until production  
24 dropped below that which was profitable.

25 Q (By Mr. Baldwin) And then it would have

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1 tow, correct?

2 A Correct.

3 Q And the movement of 200 yards within the  
4 facility of Gulf Marine, were navigation lights also  
5 installed?

6 A No.

7 Q What, if anything, in addition to navigation  
8 lights were installed or put in to -- before that tow  
9 from location to Gulf Marine's facility?

10 A What -- I don't recall the addition of any  
11 more equipment than that?

12 Q Were any other navigational equipment  
13 installed or navigational items other than  
14 navigational lights installed prior to that tow from  
15 location to Gulf Marine's facility?

16 A Installed, no, on board, yes.

17 Q What were those?

18 A A GPS monitor, hand-held.

19 Q Did the ATP Innovator during that tow have  
20 any navigational equipment on board.

21 A No.

22 Q Did it have a radar?

23 A No.

24 Q Did it have a laptop?

25 A A laptop?

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1 Q That allowed them to have any sort of  
2 navigational software.

3 A During the tow?

4 Q Yes.

5 MR. GORMAN: Objection; form.

6 A Yes.

7 Q (By Mr. Baldwin) What software was  
8 available via laptop during the tow?

9 A I'm not sure what the software was. It was  
10 provided by I believe a third party company,  
11 Intermore, and the purpose of that equipment was more  
12 for the positional -- the facility's position while we  
13 were demooring.

14 Q Any other software that aided in the  
15 movement of that ATP Innovator from the on site  
16 location to Gulf Marine's facility?

17 A I don't believe.

18 Q Did the ATP Innovator also have automated  
19 identification system on board, an AIS system?

20 A I don't believe that the Innovator is  
21 equipped with AIS.

22 Q Has it ever been equipped with AIS? Do you  
23 know?

24 A I wouldn't know if that were the case when  
25 it was the Rowan Midland.